

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ELVIRA GARZA,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
VS.	)	
	)	3:11-CV-3545-G (BN)
CAROLYN W. COLVIN, Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Before the court are the findings, conclusions, and recommendation of the United States Magistrate Judge, filed June 3, 2013. The magistrate judge recommends that the court grant in part plaintiff's application for attorney fees under the Equal Access to Justice Act, filed March 25, 2013.

Having reviewed the motion, response, and record in this case, and the findings and conclusions of the magistrate judge, the court determines the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore accepted as those of the court. The court **GRANTS**, in part, plaintiff's

application for attorney fees under the Equal Access to Justice Act. Accordingly, the court hereby awards plaintiff attorneys' fees in the amount of \$5,125.96, which is based on \$134.62 for work performed in 2011 (0.80 hours times \$168.27) plus \$4,991.34 for work performed in 2012 (28.90 hours times \$172.71), and also awards plaintiff \$350.00 for filing costs. Defendant is ordered to pay this amount to plaintiff but may send payment to plaintiff's counsel, if the parties reach an agreement to do so.

Plaintiff's counsel may file a motion for attorneys' fees under 42 U.S.C. § 406(b) -- if such a motion is appropriate based on the Commissioner's action on remand -- no later than 44 days after the date that a Notice of Award is issued by the Social Security Administration and received by plaintiff's counsel.

**SO ORDERED.**

June 28, 2013.

  
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A. JOE FISH  
Senior United States District Judge